

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

RAMON ARMAS BORROTO, JR.

Plaintiff,

vs.

Case No. 5:04CV165-RH/WCS

**L. MCDONALD, PATE,
MCKENZIE and KENT.**

Defendants.

_____ /

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO SERVE
RESPONSES AND /OR OBJECTIONS TO PLAINTIFF'S REQUEST FOR
PRODUCTION OF DOCUMENTS**

Defendants McDONALD, PATE, McKENZIE, and KENT, through undersigned counsel, hereby move for an extension of time of twenty (20) days from the date of an order on this motion to serve responses and/or objections to Plaintiff's discovery requests. Defendants state the following:

1. Plaintiff has served Defendants with a request for production of documents in discovery. This Court has set a deadline for Defendants to serve responses on or before December 6, 2006. Doc. 83.

2. The undersigned needs additional time to coordinate Defendants' responses and/or objections Plaintiff's document requests. The undersigned is in the midst of this undertaking but caseload activities have impacted her ability to meet the discovery deadline of this case. Additionally, defense co-counsel in the case, Assistant Attorney General Caryl Kilinski, has been on leave due to a family emergency since November 28.

3. For the undersigned, case activities during the relevant time period have included (but are not limited to):

i) December 5, 2006, attendance at a Pretrial Conference/Mediation in Case No. 2006-SC-9369, in Leon County Court;

ii) November 30, 2006, submission of *Defendants' Objections to Report and Recommendation* in Case 1:05-cv-00127, United States District Court, Northern District;

iii) November 30, 2006, submission of *Defendants' Motion to Dismiss, or in the Alternative, Motion to Abate Proceedings*, in 2006-SC-9369, Leon County Court;

iv) November 27, 2006, submission of *Appellee's Limited Appearance and Motion to Strike Appellant's Amended Initial Brief* in First District Court of Appeal case 1D06-1386;

v) November 21, 2006, submission of *Answer Brief of Appellee*, First District Court of Appeal case 1D06-2475;

vi) November 21, 2006, submission of *Appellee's Concession of Error and Motion for Remand*, in First District Court of Appeal case 1D06-3307;

vii) November 17, 2006, submission of *Defendants' Supplement to Defendants' Motion to Dismiss*, in 2006-SC-004496, Leon County Court;

viii) November 15, 2006, submission of *Defendant's Supplement to Defendant's Motion to Dismiss*, in 2006-SC-004871, Leon County Court; and

ix) November 13, 2006, submission of *Appellee's Limited Appearance , Concession of Error, and Motion to Remand this Matter to the Lower Tribunal*, in First District Court of Appeal case 1D05-3053.

4. Plaintiff should not be prejudiced if this Court granted this motion.
5. This motion is made in good faith and not for the purpose of delay.

MEMORANDUM OF LAW

Pursuant to Federal Rule of Civil Procedure, Rule 6(b):

When by these rules or by notice given thereunder or order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; . . .

Defendants have shown good cause for this Court to extend Defendants' time by twenty (20) days from the date of an order on this motion to serve responses and/or objections to Plaintiff's discovery requests.

WHEREFORE, Defendants, based on the foregoing reasons, move for an extension of time of twenty (20) days from the date of an order on this motion to serve responses and/or objections to Plaintiff's discovery requests.

Respectfully Submitted,

CHARLES J. CRIST, JR.
Attorney General

s/ Joy A. Stubbs
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CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail
to: RAMON BORROTO, DC# X27467. Florida State Prison, 7819 NW 228th Street, Raiford,
FL 32026 on the 6th day of December 2006.

s/ Joy A. Stubbs

JOY A. STUBBS